



CITY OF FREDERICKSBURG

MINUTES OF CITY COUNCIL REGULAR MEETING OCTOBER 4, 2021

The City of Fredericksburg City Council held their regular session on Monday, October 4, 2021 at 6 p.m. This meeting was held in person at the Law Enforcement Center and live streamed on the Fredericksburg YouTube Channel.

Members Present:

Mayor Charlie Kiehne
Councilmember Jerry Luckenbach
Councilmember Tom Musselman
Councilmember Kathy O'Neill

Members Absent:

Councilmember Bobby Watson

City Staff Present:

Kent Myers, City Manager
Clinton Bailey, Assistant City Manager/Director of Public Works and Utilities
Daniel Jones, City Attorney
Steve Wetz, Police Chief
Braxton Roemer, Police Lt.
Eric Whiting, Information Technology Director
Andrea Schmidt, Parks and Recreation Director
Jason Lutz, Development Services Director
Kelli Offer, Gillespie County Health Department Director
Kris Kneese, Assistant Public Works Director
Krista Wareham, City Accountant
Garret Bonn, Assistant City Engineer
Jennifer Krupa, Special Event Coordinator
Leslie Ball- Embrey, Administrative Assistant
Shelley Goodwin, City Secretary

1. CALL TO ORDER

Mayor Kiehne called the regular meeting of the Fredericksburg City Council to order at 6:00 p.m. on Monday, October 4, 2021.

2. INVOCATION

Jerry McCorkle, City resident led the Invocation.

3. PLEDGE OF ALLEGIANCE

Eric Hammerson led the Pledge of Allegiance.

4. EMPLOYEE RECOGNITIONS

Kent Myers, City Manager, shared an email from Patrick Keating regarding the professionalism of the Fire Crew that assisted him.

5. PUBLIC COMMENTS

Jerry McCorkle, City resident, spoke regarding our country and community prayers that are being conducted nightly at 8 p.m.

Sonia Rivera, City resident, spoke regarding the City Council using caution about accepting our recycling center products.

Kimberley Lams, City resident, spoke and provided a handout regarding the Vaers Covid Vaccine Report.

Ruben Aguilar, City resident, spoke regarding civil rights and the need to stand up for what you believe.

George Studor, City resident, provided a handout regarding Agenda Item 8. F. renewal energy.

Jeanette Hormuth, City resident, thanked the City Council for adopting a “no new revenue rate” as the FY 2021 Tax Rate. She also spoke regarding adding the business Resolution to a future agenda.

Tom Marschall, City resident, provided a handout regarding the declaration for businesses. He shared the Oath of Offices the City Council took when they were elected.

Robert Phoenix thanked the City Council for adopting a “no new revenue rate.” He recommended using HOT revenues for emergency services for weekend increases in the number of calls. He also spoke regarding renewable energy.

Isla Roop, City resident, spoke regarding the Pro Police political campaign and the issues she believes the City has.

Tonya Benson, City resident, spoke regarding mandatory vaccination and the Emergency Declaration. She encouraged the City Council to put the business Resolution on a future agenda.

6. CONSENT

THE FOLLOWING ITEMS MAY BE ACTED UPON IN A SINGLE MOTION. NO SEPARATE DISCUSSION OR ACTION ON ANY OF THESE ITEMS WILL BE HELD UNLESS PULLED AT THE REQUEST OF A MEMBER OF CITY COUNCIL.

A. Consider approval of City Council Minutes (Shelley Goodwin, City Secretary)

- i. September 13, 2021 Special Meeting**
- ii. September 15, 2021 Special Meeting**
- iii. September 20, 2021 Regular Meeting**

Motion: A motion was made by Councilmember Musselman, seconded by Councilmember O'Neill, to approve Consent Agenda items 6. A. i., ii. and iii., with corrections. The City Council voted four (4) for, and none (0) opposed. The motion carried unanimously.

7. ORDINANCES AND RESOLUTIONS

- ### **A. Consider the approval of Ordinance 2021-25 amending Article 25.000 – Health Department Fees, of Appendix A – Fee Schedule, of the Code of Ordinances, to update**

and amend the fees for Food Establishment Inspections, Plan Review, and Permits issued by the City (1st of two readings; City Council may waive 2nd reading) (Kelli Olfers, Gillespie County Health Department Director).

Kelli Olfers, Gillespie County Health Department Director, reviewed the different types of Health Permits and the charges.

The City Council discussed the proposed fees covering the administrative expenses.

Motion: A motion was made by Councilmember Luckenbach, seconded by Councilmember Musselman, to approve Ordinance 2021-25 amending Article 25.000 – Health Department Fees, of Appendix A – Fee Schedule, of the Code of Ordinances, to update and amend the fees for Food Establishment Inspections, Plan Review, and Permits issued by the City, change the Farmer’s Market fee to \$100, and waive the second reading. The City Council voted four (4) for, and none (0) opposed. The motion carried unanimously.

B. Consider the approval of Resolution 2021-11R authorizing the Texas Opioid Abatement Fund Council and Settlement Allocation Term Sheet (Kent Myers, City Manager).

Kent Myers, City Manager, reviewed the Texas Opioid Settlement Agreement. He reviewed the goals of the Texas Attorney General and SB 1827.

Daniel Jones, City Attorney, stated due to more participation by local jurisdictions, the City’s allotted amount could be reduced. These will be restrictive funds to be used for drug treatment programs.

The City Council spoke regarding using the funds for the reduction of drug use and towards drug education.

Kent Myers, City Manager, stated that once we get more information and direction, this funding will come back to City Council for approval.

Motion: A motion was made by Councilmember Musselman, seconded by Councilmember Luckenbach, to approve Resolution 2021-11R authorizing the Texas Opioid Abatement Fund Council and Settlement Allocation Term Sheet. The City Council voted four (4) for, and none (0) opposed. The motion carried unanimously.

C. Consider the approval of Resolution 2021-12R to nominate candidates for the Board of Directors of the Gillespie Central Appraisal District 2022-2023 term (Kent Myers, City Manager).

Kent Myers, City Manager, reviewed the process for appointing members and noted it begins with the City Council nominating candidates to serve on the Board of Directors of the Gillespie Central Appraisal District. He stated Tony Klein has indicated he will not serve another term, and Nicole Bartel Carroll, Donald Davis, Tim Dooley, and James McAfee are willing to serve another term. He also noted Susan Behrends has indicated she is willing to serve on the Board of Directors.

Motion: A motion was made by Councilmember Musselman, seconded by Councilmember O’Neill, to approve Resolution 2021-12R allowing votes for the Gillespie Central Appraisal District Board of Directors for a two year term beginning January 1, 2022, and nominating Nicole Bartel Carroll, Donald Davis, Tim Dooley, Susan Behrends, and James McAfee. The City Council voted four (4) for, and none (0) opposed. The motion carried unanimously.

8. OTHER ACTION ITEMS AND UPDATES

A. Consider the approval of a contract and scope of services with Goodman Corporation for parking demand analysis, conceptual engineering and design services, financial pro forma and funding services in the amount of \$95,000. (Kent Myers, City Manager)

Kent Myers, City Manager, reviewed the parking history downtown and the proposal for additional parking in the FY2022 Budget. He stated the City previously contracted for a Downtown Parking Study. He also reviewed the proposed contract, the 4 task scoops, and the funding.

Barry Goodman, Goodman Corporation, reviewed the 2017-2018 parking study and the different options the City has with managing parking. He reviewed the different options of how the visitors can pay for the parking.

The City Council stated that the parking behind the CVB was done with grant funding and feels the grant needs to be reviewed to add additional spaces.

Clinton Bailey, Assistant City Manager/Director of Public Works and Utilities, stated he has been working with CVB to expand their offices and research parking technology.

Motion: A motion was made by Councilmember Musselman, seconded by Councilmember Luckenbach, to approve a contract and scope of services with Goodman Corporation for parking demand analysis, conceptual engineering and design services, financial pro forma and funding services in the amount of \$95,000 (\$15,000 for standalone parking not be funded out of HOT). The City Council voted four (4) for, and none (0) opposed. The motion carried unanimously.

B. Consider the approval of the revised contract with Federal International to begin accepting mixed paper/magazines and plastics at the Recycling Center on November 1, 2021 (Garret Bonn, Assistant City Engineer).

Garret Bonn, Assistant City Engineer, stated in 2019, plastics and paper were eliminated due to a national downturn on these items, with this material ending up in Landfills. He noted a domestic rebound on paper and plastic items. Staff is recommending the City Council approve the contract, which will begin on November 1, 2021.

The City Council discussed the need for public education. They also discussed the need for assurance that these items will not end up in another landfill or charge us to haul off.

Motion: A motion was made by Councilmember Musselman, seconded by Councilmember Luckenbach, to approve a revised contract with Federal International to begin accepting mixed paper/magazines and plastics at the Recycling Center on November 1, 2021. The City Council voted four (4) for, and none (0) opposed. The motion carried unanimously.

C. Consider the approval of the American Rescue Plan application for local non-profit agencies to apply for funding. (Kent Myers, City Manager)

Kent Myers, City Manager, reviewed the proposed applications. He also reviewed the items the funding can be used for. He noted that staff would use the same process after the application deadline as the HOT funding allocation is used.

The City Council discussed the application and the decision process. They also discussed the timeline for the application.

Motion: A motion was made by Councilmember Musselman, seconded by Councilmember Luckenbach, to approve the American Rescue Plan application for local non-profit agencies to apply for funding. The City Council voted four (4) for, and none (0) opposed. The motion carried unanimously.

D. Consider and discuss a presentation on the Animal Control fees (Braxton Roemer, Police Lt. Special Services).

Braxton Roemer, Police Lt. Special Services, provided a PowerPoint on Animal Control fees.

The City Council discussed the fees and services the Animal Council provides to residents within the City and County.

Daniel Jones, City Attorney, recommends bringing an Ordinance back at the next meeting.

Motion: A motion was made by Councilmember Musselman, seconded by Councilmember O'Neill, to approve bringing an Ordinance back for approval to the Animal Control fees. The City Council voted four (4) for, and none (0) opposed. The motion carried unanimously.

E. Consider and discuss a presentation for a proposed airplane viewing area at Lady Bird Johnson Park (Clinton Bailey, P.E., Assistant City Manager/Public Works and Utilities Director)

Clinton Bailey, P.E., Assistant City Manager/Public Works and Utilities Director, stated a City resident had donated funds to build a dedicated area for airplane viewing at LBJ Municipal Park, along the fence in an area past the y-turnoff. The area would include an awning, one-way radio, sidewalk, bleacher, and dedicated parking. He noted the City would be responsible for the yearly maintenance.

The City Council discussed the location and the number of viewers that would take advantage of the dedicated area.

F. Consider and discuss a presentation from John Rodriguez regarding solar and wind renewal energy.

John Rodriguez, a citizen who requested to be on the agenda, reviewed the City possibly taking advantage of renewable energy. He also reviewed the benefits and provided the City Council with a handout of the City of San Antonio guidelines. He also reviewed ways to City can take advantage of solar and wind renewal.

The City Council reviewed renewable energy and the need for the City to continue to look at alternate energy. They also thanked John for his research and presentation.

9. CITY MANAGER REPORT

A. STR City Council Work Session-October 11

Kent Myers, City Manager, reminded the City Council of the upcoming STR Work Session. He reviewed the items that will be in the packet. He also noted that this meeting would be held at the University Center and begin at 6 p.m.

B. Next City Council Work Session-October 25

Kent Myers, City Manager, reminded the City Council of the upcoming Work Session on the following:

- Salary Survey
- Options for Affordable Housing financing

- Annexation public hearing

He noted this meeting would be held at the LBJ Golf Course in the Cardinal Room and begin at 9 a.m.

C. Oktoberfest Report

Kent Myers, City Manager, stated that Oktoberfest was a huge success and thanked everyone involved.

10. ITEMS FOR FUTURE AGENDA

Kent reviewed the Future Agenda Items.

11. COUNCIL COMMENTS

Councilmember Luckenbach spoke regarding the following:

- Zoning Airport Board met this morning to update Airport Zoning Ordinance.
- Gillespie County currently has 89 positive Covid cases and 4 Covid cases in the hospitalize; encouraged everyone to take the vaccine.

Mayor Kiehne reported he attended Oktoberfest and thanked everyone involved for their hard work.

12. EXECUTIVE SESSION

The City Council will recess its open meeting and reconvene in Executive Session pursuant to Texas Government Code Section 551.071 (Consultation with Attorney) and 551.072 (Deliberation Regarding Real Property)

- A. Consider and discuss *The City of Fredericksburg, Texas vs Arch Ray, LLC, and Fiesta on the River RV Resort, LLC*, pending in the 216th District Court (551.071); and**
- B. Consider and discuss *E. 290 Owners Coalition vs. City of Fredericksburg, Texas*, pending in the Supreme Court of Texas (551.071), and**
- C. Consider and discuss the purchase, exchange, lease, or value of real property, located in the vicinity of the intersection of S. Adams Street at San Antonio Street, in the City of Fredericksburg, Texas. (551.072); and**
- D. Consider and discuss the purchase, exchange, lease, or value of real property, located in the vicinity of the intersection of S. State Hwy 16 at Fair Drive, in the City of Fredericksburg, Texas. (551.072); and**
- E. Receive legal advice on Tex. Const, Art.1, §16, and recent Texas case law, concerning whether a law violates the constitutional prohibitions against retroactive laws, and takings claims (551.071).**

Motion: A motion was made by Councilmember Luckenbach, seconded by Councilmember Musselman, to go out of Regular Meeting into Executive Session at 8:06 p.m. The City Council voted four (4) for, and none (0) opposed.

Motion: A motion was made by Councilmember Musselman, seconded by Councilmember Luckenbach, to go out of Executive Session into the Regular Meeting at 9:24 p.m. The City Council voted four (4) for, and none (0) opposed.

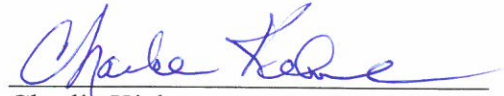
13. BUSINESS ITEM

The City Council will reconvene into Regular Session upon the conclusion of the Executive Session; the City Council may take action on any item posted in Executive Session, as necessary.

No actions were taken following this Executive Session.

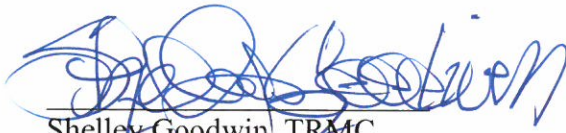
14. ADJOURN

Motion: A motion was made by Councilmember Musselman, seconded by Councilmember O'Neill, to adjourn the Tuesday, October 4, 2021, City Council Regular Meeting at 9:25 p.m. The City Council voted four (4) for and none (0) opposed. The motion carried unanimously.



Charlie Kiehne

Mayor



Shelley Goodwin, TRMC
City Secretary

